

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,

Plaintiff,

Adv. Pro No. 08-01789

v.

(BRL)

BERNARD L. MADOFF INVESTMENT SECURITIES LLC,

SIPA Liquidation

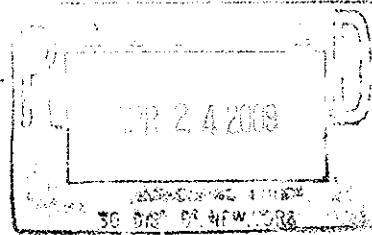
Defendant,

**MOTION FOR  
INTERVENTION  
FRCP 24 (a) 24 (b)**

ADE O. OGUNJOBI  
TOKS, INC. & WHOLLY-OWNED SUBSIDIARIES

Intervenor-Applicant

Before: Burton R. Lifland  
United States Bankruptcy Judge



**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR INTERVENTION**

**INTRODUCTION**

The Intervenor, Ade O. Ogunjobi, Founder of Toks, Inc., an Entrepreneur, Toks, Inc., and its wholly-owned subsidiaries that will include the largest bank (“Holding Bank”) in the world proposed this motion to as party to intervene as Intervenor to conduct purchase of Bernard L. Madoff Investment Securities, LLC through Toks, Inc.’s global transaction all stock tax free \$100,000,000,000,000 (\$100 Trillion) or 400,000,000,000 shares of Class A Common shares that will be registered with United States Securities and Exchange Commission (the “Commission”) aka SEC during the closing of the proposed exchange tender offers. The offer will be stock/cash program. We

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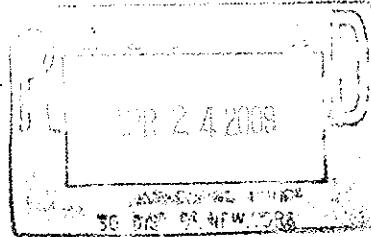
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will set aside 400,000,000 Class A common shares of Toks, Inc. at \$250 per share or \$100,000,000,000 in stock to cover all \$65,000,000,000 in capital invested with Bernard L. Madoff Investment Securities LLC and lost through the largest Ponzi scheme in United States of America. All clients of Bernard L. Madoff Investment Securities LLC ("victims") will receive \$75,000,000,000 or more in stock in a stock/cash offer deal where an average client of BLM is given an option to sell off its stock to Aurelia Stephen Securities in order to recoup all their original investment; or borrow money from Aurelia Stephen Securities against the stock and in the future notify us to sell off the stock to cover the original loan without any penalty or adverse on the credit history; or just retain Aurelia Stephen Securities to assist selling all the stock in the open market. The clients and investors of Bernard L. Madoff Investment Securities LLC attorneys will be allowed to keep whatever stocks they receive to cover all money lost if they chose to do so and they are allowed to liquidate anytime just like any shareholders. The clients and victims of Bernard L. Madoff Investment Securities LLC will join other investors and shareholders of Toks, Inc. That will emerge from acquired publicly traded entities through the \$100,000,000,000,000 (\$100 Trillion) all stock tax free global transaction as outlined on the Web site at [www.tspnotes.com](http://www.tspnotes.com) for public review. All stocks will be issued through the pending transaction of Toks, Inc., the amended proposed exchange tender offers of filed by Toks Inc. Pursuant to Rule 425 under the Securities Act of 1933 and deemed filed pursuant to Rule 14a-12 under the Securities Exchange Act of 1934 on October 8, 2001.

This motion for intervention will launch the largest bank ("Holding Bank") in the world as soon as the intervention is granted that will allow almost \$1,000,000,000 in cash

the trustee of Bernard L. Madoff Investment Securities found to start the process to file all necessary papers to launch the largest bank ("Holding Bank") in the world. This will lead to \$500,000,000,000 (\$500 Billion) in cash borrowed from Federal Reserve Bank as the new holding bank against our future assets \$25,000,000,000,000 (\$25 Trillion) in stock granted at no cost by the parent company Toks, Inc. to the holding bank before spin off; \$5,000,000,000,000 (\$5 Trillion) in cash that will be raised from all Central Banks around the globe to own 50% of the largest bank in the world. The other assets will be assets of major banks that will be acquired in heavy premium. Banks like Bank of America, Citigroup, JP Morgan Chase, Barclays Bank PLC, HSBC, BNP Paribas, UBS, etc. These banks and some investment banks will be acquired for one purpose to consolidate all the assets to form the largest bank in the world. Our capital is not a "bailout fund" rather than capital for a newly formed bank that will assume all the tangible assets of all the major banks and investment banks acquired. This bank will be without debts because additional funds will be available to cover the \$500,000,000,000 borrowed or simply convert the \$500,000,000,000 into equity since all Central Banks across the globe will be making contributions as equity holders in the bank.

The motion for intervention is also establishing for the court, the clients of Bernard L. Madoff Investment Securities LLC, American people and the global community that the Holding Bank will take over the role of the United States government and around the globe regarding the current global financial crisis. The capital to achieve that will come from the \$500,000,000,000 borrowed upfront from Federal Reserve Bank; \$5,000,000,000,000 (\$5 Trillion) in capital raising from Central Banks around the globe to own 50% stake. The attraction to raise \$5,000,000,000,000 will be three factors: i) Each

Central Bank that makes contribution is allowed to appoint one representative to seat on the board of the largest bank in the world sorely formed to fight global poverty and to close the widening gap between the rich and the poor which this generation is becoming notorious of letting it happen; ii) The Holding Bank will set up branches around the globe even in villages where they never thought there would ever be a bank and this bank is to improve lives, not to exploit. It will serve as the tool to work with different governments at the level to provide advice, implement ideas and work along with the trust that will serve as the Philanthropy vehicle to enhance lives—it's an amazing concept never being implemented before to bring a Holding Bank and a trust to combine banking services and philanthropy agenda to improve lives of the poor and the needy; iii) The Holding Bank will receive \$25,000,000,000,000 in stock from its parent at no cost to jump start its holding assets. This will allow the Central Banks to own half of that \$25,000,000,000 in stock by mere \$5,000,000,000,000 in capital investment. Not counting other assets and operations of acquired major banks that will be added to the Holding Bank's assets; The capital from the largest IPO to raise \$3,000,000,000,000 (\$3 Trillion) around the globe as the largest fundraising in the world where an average individual around the globe is encouraged to buy shares of TC Company at \$12 per share in return for exchange of Toks, Inc.'s Class A common shares at \$250 per share at no cost. This IPO is designed to give some folks a voice in our generation that this generation will not ruin what past generations worked so hard to build in order for us to enjoy. We must not let greed, and hunger for power to destroy this great system. The proceeds from the IPO might surpass \$3,000,000,000,000. TC Company will be dissolved after the IPO and Toks, Inc. will receive all the proceeds, plus award part of the proceeds to the Holding Bank before the

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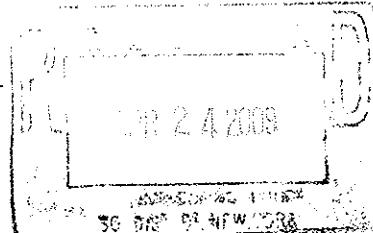
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will set aside 400,000,000 Class A common shares of Toks, Inc. at \$250 per share or \$100,000,000,000 in stock to cover all \$65,000,000,000 in capital invested with Bernard L. Madoff Investment Securities LLC and lost through the largest Ponzi scheme in United States of America. All clients of Bernard L. Madoff Investment Securities LLC ("victims") will receive \$75,000,000,000 or more in stock in a stock/cash offer deal where an average client of BLM is given an option to sell off its stock to Aurelia Stephen Securities in order to recoup all their original investment; or borrow money from Aurelia Stephen Securities against the stock and in the future notify us to sell off the stock to cover the original loan without any penalty or adverse on the credit history; or just retain Aurelia Stephen Securities to assist selling all the stock in the open market. The clients and investors of Bernard L. Madoff Investment Securities LLC attorneys will be allowed to keep whatever stocks they receive to cover all money lost if they chose to do so and they are allowed to liquidate anytime just like any shareholders. The clients and victims of Bernard L. Madoff Investment Securities LLC will join other investors and shareholders of Toks, Inc. That will emerge from acquired publicly traded entities through the \$100,000,000,000,000 (\$100 Trillion) all stock tax free global transaction as outlined on the Web site at [www.tspnotes.com](http://www.tspnotes.com) for public review. All stocks will be issued through the pending transaction of Toks, Inc., the amended proposed exchange tender offers of filed by Toks Inc. Pursuant to Rule 425 under the Securities Act of 1933 and deemed filed pursuant to Rule 14a-12 under the Securities Exchange Act of 1934 on October 8, 2001.

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The motion for intervention is also establishing for the court, the clients of Bernard L. Madoff Investment Securities LLC, American people and the global community that the Holding Bank will take over the role of the United States government and around the globe regarding the current global financial crisis. The capital to achieve that will come from the \$500,000,000,000 borrowed upfront from Federal Reserve Bank; \$5,000,000,000,000 (\$5 Trillion) in capital raising from Central Banks around the globe to own 50% stake. The attraction to raise \$5,000,000,000,000 will be three factors: i) Each

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spin off. Such roles are outlined this way:

- The Holding Bank will engage in buying all assets that are troublesome and also known as “toxic assets” from most banks around United States and around the globe to free the banks to start lending money again to consumers and small businesses.
- The Holding Bank will approach United States government and request what is the total amount doled out in the “bailout” deal. Whatever the amount the Holding Bank will write a check to the government and restructure such loans/bailout funds with the banks to pay off the loan spread over 40 years like a regular loan. This approach will alleviate the pressure to pay back the bailout fund to the government. This will be applied around the globe. United States or any other government is not a “bank” and any government do not possess such platform to address the current global financial crisis. The Holding Bank is capable of doing so.
- The Holding Bank will intervene on behalf of Toks, Inc. to restructure General Motors’ outstanding debts with the GM creditors holding almost \$30,000,000,000 in bond because Toks, Inc. will acquire General Motors Corporation in stock and this will spare the shareholders of General Motors getting their stakes wiped out because of bankruptcy and creditors barely getting paid.
- The Holding Bank is prepared to write another check to United States government to cover the \$180,000,000,000 it provided AIG. Or it can be restructured for cover stakes in Toks, Inc. or the Holding Bank.

- The Holding Bank will implement its own concept to start providing low interest rate mortgages, but will not assist to pay mortgages of those losing their homes because it's un-American to help pay someone's mortgage and discriminate against the other fellow. Also the Holding Bank believes that this concept to assist pay the mortgage will make things worse because it will create irresponsibility that if I default, the government is ready to bail out. It dangerous and creating this "comfort zone" will not address recovery. The Holding Company will never participate in mortgage securities deal and will even proposed to U.S. Congress and Senate and other governments around the globe to abolish such financial instruments and make it illegal to sell such instruments/securities to any investors, period.

The motion for intervention to act as Intervenor will allow Ade O. Ogunjobi to use Toks, Inc. and its wholly owned subsidiaries to act as "deep" pocket to pay off all the clients of Bernard L. Madoff Investment Securities, LLC that lost \$65,000,000,000, cover court costs for plaintiffs in civil matters, settle with regulators, etc.

This motion for intervention to act as Intervenor will not only reimburse all clients/victims Bernard L. Madoff Investment Securities LLC, but actually pay in heavy premium. This motion will also help America and the growing anger of American people seeing their taxes going higher due to this bailouts and other big spending to revive the economy. The motion for intervention will not only benefit the clients/victims of Bernard L. Madoff Investment Securities, but the business plan of the Intervenor will address global poverty to close the widening gap between the rich and the poor.

There's no other hidden agenda. We are not seeking all capital invested previously by clients of Bernard L. Madoff Investment Securities LLC---rather than we are saying to all parties that we need some form of capital to cover expenditures to structure our own financial instruments in return clients of Bernard L. Madoff Investments Securities LLC will get the opportunity to recoup their investments in full through the stock/cash program. This is a disgrace in American finance and America needs to send a clear message that when the occasion arises to reimburse "victims" in full in a creative matter, such option will be greatly embraced. This is the best option for all clients of Bernard L. Madoff Investment Securities LLC to be reimbursed fully. Give us the "key" to gain control of the \$1,000,000,000 in cash and \$75,000,000,000 or more in stock will be available to be issued out to all clients of Bernard L. Madoff Investment Securities LLC. This is not complicated.

Lately there's been conflicting statements how much really lost that the number is not exactly \$50,000,000,000 or \$65,000,000,000 is total or \$170,000,000,000 must be recouped according to the government in the criminal phase. Regardless, Toks, Inc. is capable of accommodating any amount lost be it \$50,000,000,000, \$65,000,000,000 or \$175,000,000,000. We can afford to issue any amount from our 400,000,000,000 registered securities as in common stocks or Class A common shares or \$100,000,000,000,000 (\$100 Trillion) in stock. To clarify this as a typical investments under capitalism system one can actually say that the clients of Bernard L. Madoff Investment Securities LLC are entitled to \$60,000,000,000 or more in investment return. For argument say, let's say the real amount is \$20,000,000,000 of total investments by BLM clients, if any discipline investment company invests such capital wisely, the total

investment return could be valued \$500,000,000,000 or more. Honestly, if such amount of \$20,000,000,000 is handed to a real “visionary” the BLM clients are looking at such returns of \$500,000,000,000. We are talking at investing in venture capital transaction before IPO; investments in projects around the globe; partnering with other equity players to acquire profitable entities private or public which can be maximized again taking it public, etc. With \$20,000,000,000 in capital, sky is the limit. This is the reason why we are setting aside 400,000,000 common shares of Class A or \$100,000,000,000 in stock for clients of Bernard L. Madoff Investments Securities LLC.

### **SUMMARY ARGUMENT**

The Intervenor, Ade O. Ogunjobi, Toks, Inc., and its wholly-owned subsidiaries that will include the largest bank in the world proposed this motion to as party to intervene as Intervenor move to intervene in the Bankruptcy matter and Adversary Proceeding, Liquidation of Bernard L. Madoff Investment Securities LLC, *Securities Investment Protection Corporation v. Bernard L. Management Investment Securities LLC* in the matter of bankruptcy proceeding brought by Securities Investment Protection Corporation to liquidate all assets of Bernard L. Management Investment Securities to accept the buyout proposed by Ade O. Ogunjobi, the Founder/Entrepreneur through Toks, Inc. for 400,000,000 Class A common shares or \$100,000,000,000 in stock that will be part of 400,000,000,000 Class A common shares or \$100,000,000,000,000 (\$100 Trillion) all stock tax free global transaction which \$50,000,000,000,000 all stock tax free proposed exchange tender offers to acquire 150 publicly traded entities around the globe as outlined inside the title page “List of All Entities” and posted on the Web site at [www.tspnboites.com](http://www.tspnboites.com) for public review.

The bankruptcy proceeding dictates all assets to be liquidated in this case all assets of Bernard L. Madoff Investment Securities, LLC must be liquidated for distribution amongst all clients of Bernard L. Madoff Investment Securities, LLC. As the Intervenor intervening in this proceeding, our position is clear that the total capital generated through this liquidation will never be enough to cover all capital invested in Bernard L. Madoff Investment Securities, LLC and later lost through the largest "Ponzi" scheme in America---be it \$20,000,000,000 or \$65,000,000,000. One thing is clear, the Intervenor has a "platform" that can issue 400,000,000 common shares or \$100,000,000,000 in stock to all clients of Bernard L. Madoff Investment Securities, LLC that will cover all capital original invested in BLM through a stock/cash program. Again, the actual number of capital invested be it \$20,000,000,000 or \$50,000,000,000 is not the issue. The issue is clear, we need to gain access to the very current liquidity available as of now, \$1,000,000,000 in cash to recruit employees as in brokers, bankers, etc; retain a law firm that will provide all legal services in corporate, securities, banking, capital markets, litigation; retain an accounting firm; and finally file all papers to conduct the "good standing" of Toks, Inc. in al 50 states and all its wholly owned subsidiaries, including the trust that will be set up to address fight against global poverty along with the Holding Bank. Additional, papers will be filed to incorporate the "Holding Bank" which name will be Aurelia Stephen Banc Corp which will lead to "effective immediately" to borrow \$500,000,000,000 from Federal Reserve Bank.

Restitution has to be made to repay clients of Bernard L. Madoff Investment Securities LLC, the investors ("victims"). We are the only entity with a "platform" to set aside 400,000,000 Class a common shares or \$100,000,000,000 in stock from our

\$100,000,000,000,000 (\$100 Trillion) all stock tax free proposed exchange tender offers.

Also it will alleviate all the so-called hearings and the horrors to request "clawbacks" where investors that were paid money as investment return from cash raised from new investors dating back four decades ago. This is a multibillion-dollar Ponzi scheme that it might take forever to sort out. We are not talking a \$500,000,000 Ponzi scheme that is easy to handle, we are dealing with a complex scheme. Our offer on the table through this intervention will be of great service to the court, the clients of Bernard L. Madoff Investment Securities, LLC and other government agencies as in DOJ, SEC and SPIC. One can see it will be difficult for the Adversary Proceeding Case number 08-01789 (BRL) matter to ignore this motion of the applicant to intervene as Intervenor in the bankruptcy/liquidation matter. By so-doing, the Intervenor will serve as the "deep" pocket to cover the restitution in full.

Mr. Ade O. Ogunjobi, Founder and Entrepreneur invested a great deal of his current natural life into Toks, Inc., from the inception when the company was first incorporated on February 12, 1996 to the day the registration statement SB-2 for IPO was filed on August 31,2001, followed by 425 Notices--Pursuant to Rule 425 under the Securities Act of 1933 and deemed filed pursuant to Rule 14a-12 under the Securities Exchange Act of 1934 filed on October 8, 2001. Plus other issues as in SEC Stop-Order, Administrative Hearing, SEC civil action and the injunction which one can termed as one of the most egregious act from SEC and the appearance of racism and bigotry exhibited by both the administrative judge and federal judge against Mr. Ade O. Ogunjobi, without any form of provocation, criminal intents, etc which is normally victims of racism and bigotry normally go through. It validates the very label as United States Securities and Exchange Commission (the "Commission") aka SEC as the most corrupt agency in

United States that most people are now aware of through numerous allegations against the agency and enormous frauds being committed against investors at the watch of SEC. These were trying times for the founder which he endured and survived through his own spiritual guidance and his belief that he has a right to dream and be productive. Any judge can issue all the orders in the world, the "truth" is there. Mr. Ade O. Ogunjobi is a decent man and the court, investors, shareholders, American people and the last but not the least, clients/victims of Bernard L. Madoff Investment Securities LLC must never second guess such profile of the entrepreneur. Mr. Ade O. Ogunjobi has never, ever committed fraud against anyone, entity or America. Mr. Ade O. Ogunjobi has never , ever received any fund whatsoever from any investors be it private party/individual or an institution. America and the court must be careful not to support "injustice" orchestrated by SEC and partial/racist/bigot district judge against an individual with no criminal record, past or background—even till present. Just like the famous quotation of Dr. Martin Luther King, Jr. "Injustice anywhere is a threat to justice everywhere."

Mr. Ade O. Ogunjobi, Founder and Entrepreneur sacrificed his college education after three and half years at a local Community College to pursue full scale endeavors to raise capital for Toks, Inc. Other sacrifices as in basic necessities were part of this, too. Nothing comes easy, and the founder can attest to the struggle to get to this level of opportunity to file this motion of intervention to conduct a buyout of all current assets of Bernard L. Madoff Investment Securities LLC that will allow access to almost \$1,000,000,000 in capital to finally finance the transaction of Toks, Inc. and its wholly-owned subsidiaries that will address the vision to tackle global poverty and this current financial crisis.

The current financial crisis was predicted by Mr. Ade Ogunjobi when he posted a letter sent to Federal Reserve Bank in New York that the glut of billions and billions going out to deals with no prospects would cripple this financial system. If it is possible, any entity can contact Housing Urban Development of New York. Another letter was sent to HUD predicting again, GREAT DEPRESSION. That letter to HUD was in reference to a deal to work with the owner of Peter Cooper Village, Stuyvesant Town when the property was to be sold to another developer that will eliminate low income housing. The argument to buy such real estate was in reference to Toks, Inc.'s transaction that will end up fighting global poverty and the opposition of the sale of such property to another real estate entrepreneur was met with a lot of resistance. The purpose of reference to HUD is to show the court that the agenda to form the largest bank ("Holding Bank") through Toks, Inc.'s \$100,000,000,000 all stock tax free global transaction to fight global poverty and now include the recovery plan to curb the global financial crisis is the perfect argument to the court, all parties that this intervention is the best of any proposed resolution to any court in bankruptcy case because the fate of this country and around the globe to keep capitalism alive is very critical to our survival just like freedom and democracy are vital to our existence. We cannot afford the government(s) around the globe to take over capitalism because it will make things worse. Seeking more power by the Treasury or Federal Reserve Bank will never solve anything. Power corrupts. People with solution to a problem never seek power, they just present their case and hope for others to join in to implement which is exactly what this motion represents. We are not seeking any power, just grant of the intervention to conduct a buyout and allow access to the remaining liquid/cash found to take us to the next step.

Case in point is the AIG issue. The politicians are crying loud that AIG paid out \$165,000,000 in bonuses to their executives. Here we are American taxpayers bailed out AIG with \$185,000,000,000 and we are crying foul on \$165,000,000. Enough is enough. What politicians need to address is the very issues that result in U.S. taxpayers to pay out \$185,000,000,000 to keep an entity afloat. Our Recovery Plan will address the very roots that got AIG into this mess with the best antidote. For the record, American people are not the owner of AIG, it's an illusion. Money was borrowed to bailout AIG and such capital must be paid back, meaning American people will end up with higher taxes to pay off the \$185,000,000,000. Owners make money. At this stage, American people are not "owners" and the sad part of this is politicians and the executives at AIG and some of banks are now at POWER tussle where POWER is the norm. Power is not the answer here, good and sensible recovery plan is the answer. The AIG bailout is a classic example of "Egomaniacs parading as good Samaritans." We will unveil that in the future to American and the whole world. For the record, it's a "myth" that AIG is too big to fail. No such thing. Because AIG has subsidiaries all over the world and guess what, those subsidiaries whatever services they offer are in competition meaning other entities compete against AIG offering the same services. This means if AIG is out of business today, other competitors will pick up to continue providing the very services AIG used to provide its clients/customers. Example, AIG Hawaii was sold to Farmers.

Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries move as Intervenor pursuant to Rule 24 (a) under Federal Rule Civil Procedure ("FRCP") as a matter of right in order to assert constitutional rights and other legal interests. This motion was made on the grounds that the party Intervenor in the bankruptcy/civil matter which the court and the attorneys can accept for the sake of one-stop resolution..

Intervenor has an interest on behalf of clients of Bernard L. Madoff Investments Securities, LLC ("victims") not only that justice will be served and to get a second chance to maximize their investment by becoming shareholders of Toks, Inc., the future largest publicly traded entity in the world with potential revenues of almost \$3,000,000,000,000 (\$3 Trillion) and will be the parent company to some largest publicly traded entities as outlined inside the title page "List of All Entities" and posted on the Web site [www.tspnotes.com](http://www.tspnotes.com) for public review; shareholders of all publicly traded entities on record to be acquired in the stock through the proposed exchange tender offers to finally get their day to maximize their investment as well; the formation of the largest bank ("Holding Bank") in the world to address global poverty and now unveil the recovery plan to address the current global financial crisis; investors around the globe that participate in investment transactions to get their chance and opportunity to evaluate this transaction of Toks, Inc. and its wholly-owned subsidiaries; the "global public" that will see an enormous impact of this transaction that will span across the globe; to restore the credibility of America in terms of its capital markets and regulatory policies; and finally to terminate the threat to "capitalism" which is fundamental to our survival in society since the inception of the financial system.

If permitted to intervene through the bankruptcy/civil matter to establish payment of \$75,000,000,000 in stock/cash program to all clients of Bernard L. Madoff Investment Securities LLC in return for all the remaining assets including the liquid assets, the first impact of such intervention is enormous recruitment of different talents to work for the newly created entities especially the financial division that will oversee enormous capital raising activities never seen before with one agenda to take over the role the government

is playing now as a “middle-man” between financial institutions and investors (capital markets). This arrangement to become the “middle-man” between the financial institutions and investors (capital markets) will overnight restore the markets around the globe. Our business plan to work with major financial institutions around the globe to free such entities from nationalizations will also free the credit markets. This intervention is a “blessing” at the most at all levels. Professionals like corporate and securities attorneys, accountants, securities laws consultants will start the process to file all necessary documents to form the financial institution/holding bank that will lead to borrow \$500,000,000,000 overnight; make all necessary amendments of Toks, Inc.; all wholly-owned subsidiaries will undergo the same drill; form the largest Trust that will be valued \$225,000,000,000,000 (\$225 Trillion) in stock designed to be the iron-clad to back major debt securities that will be issued to buy up “toxic assets” and some banks around the globe---plus to launch the most aggressive programs to fight global poverty; conduct registration statements to register 400,000,000,000 Class A common shares or \$100,000,000,000,000 (\$100 Trillion) in stock to close the proposed exchange tender offers; register billions in common shares to conduct the largest IPO with United States Securities and Exchange Commission (the "Commission"). Such opportunity to utilize the liquid assets of Bernard L. Madoff Investment Securities, LLC will allow us to gain access to capital markets will augment the prospects of closing the most celebrated proposed exchange tender offers of Toks, Inc. in the world. Our stand here is simple, no entity that buys any assets of Bernard L. Madoff Investment Securities, LLC will do so on “charity” nature. Any buyer will expect to maximize whatever they spent to acquire any of the assets of Bernard L. Madoff Investment Securities, LLC. That takes us to this very intervention, though we are offering \$75,000,000,000 in stock/cash program---but

there's no hidden agenda that we will end up with nothing. The "vision," access to capital markets, considering the enormous "Business Plan" that will be outlined inside the prospectus. Memorandum of Law In Support of Motion For Intervention established such "vision."

### STATEMENTS OF FACTS

Motion for Intervention by Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries as Intervenor in the bankruptcy/civil matter cannot preclude applicant as Intervenor to negotiate to buy all assets of Bernard L. Madoff Investment Securities, LLC through our offer of \$75,000,000,000 in stock/cash program or 300,000,000 common shares with an option to set aside 100,000,000 common shares making total 400,000,000 common shares or \$100,000,000,000 in stock for the clients of Bernard L. Madoff Investment Securities, LLC; and to apply an incentive to structure a stock/cash offer to the clients of Bernard L. Madoff Investment Securities LLC that will give an average clients of BLM to either seek to sell off the stock directly to Aurelia Stephen Securities in order to recoup their original cash investment invested and lost in BLM; or request to assist in selling such stock in the open market; or borrow money against their stock to use such money for any purpose and in the future instruct us to liquidate the stock to cover their loan without any penalty or risk to their credit. Another agenda is to give the clients the opportunity to invest in our Jumbo CDs of the largest bank in the world---if some them wanted to through a fixed-income investment program. The options are just amazing. This program will only cover clients with no minimum investment and maximum of \$10,000,000,000. Holding banks or financial institutions that invested in BLM will not be allowed to take part in this program because banks or financial

institutions have the pipeline and resources to liquidate any form of securities.

The very purpose of this intervention satisfies the very reason why the investors known as clients of Bernard L. Madoff Investment Securities, LLC invested in such entity in the first place---to maximize their investments. The Bill of Rights of United States in the Constitution supports Life, Liberty and Pursuit of Happiness. A great deal of people will be happy to make more money either through investments or work. Money is part of happiness. Money satisfies the purpose to meet our necessities daily. Bernard L. Madoff Investment Securities, LLC violated such sacred right and we as the Intervenor are offering to meet such standards for the clients in return for whatever is left--- especially the liquid asset. The liquid (cash) is the main core of this intervention that will cover every aspect of our offer and the vision of this entity that will have ripple impact around the globe in a positive manner. And for generations to come as beneficiaries of hard work to improve our financial systems after another near collapse since GREAT DEPRESSION.

As the Intervenor, no other entrepreneur possesses Mr. Ade O. Ogunjobi's vision or God's given extra-ordinary gift as a modern day/21<sup>st</sup> Century which talent and gift must be allowed to share with the world. Actually, Mr. Ade O. Ogunjobi believes this is Divine Intervention at its core to address the widening gap between the rich and poor and Mr. Ogunjobi's belief is he is just a "messenger" to carry out this message/agenda to finally address poverty; nor no other entity anywhere in the world can match our offer to the clients of Bernard L. Madoff Investment Securities, LLC. No entity can afford to set aside 400,000,000 common shares or \$100,000,000,000 in stock/cash program for the clients of Bernard L. Maddoff Investment Securities, LLC in exchange for what? Mere

\$1,000,000,000 in cash and fathom assets down the road who knows what assets. As stated in the correspondence dated February 27, 2009 to notify the United States Bankruptcy Southern District of New York about our intention to file Motion For Intervention to pay \$60,000,000,000 in stock to the clients for the remaining assets is designed to be creative to use the remaining liquid to cover all expenditures which has now change to 300,000,000 shares or \$75,000,000,000 in stock due to another conflicting information that \$65,000,000,000 was the actual total amount lost. No entity can offer such offer without their shareholders or investors questioning the insanity. There are not enough assets of Bernard L. Madoff Investment Securities valued more than \$1,000,000,000, let alone \$65,000,000,000. Even the prospect of investors/clients of Bernard L. Madoff Investment Securities LLC winning to obtain a court order to force Mr. Bernard L. Madoff into bankruptcy to gain access to his assets will not cover the total amount lost. But, as an entrepreneur, the founder of Toks, Inc., the lone shareholder arrived at the concept to say something can be worked out here that the remaining liquid will not be enough to compensate the clients of Bernard L. Madoff Investment Securities LLC , but enough for an idea that will satisfies both the clients of Bernard L. Madoff Investment Securities LLC and the Intervenor. SPIC is not equipped to cover all losses, while SPIC is even leaking information out there that the \$50,000,000,000 is fictitious which one can interpret that SPIC's agenda is simple: to discredit the original amount in order for SPIC to be able to validate its own reimbursement plan which we all know is still relatively small and in no way shape or form such SPIC's reimbursement plan will cover billions lost. Be it \$20,000,000,000 or \$65,000,000,000.

As an Intervenor, we have our own investors and we will command enormous access to

capital markets. As outlined inside the correspondence of notification to file motion for intervention and dated February 27, 2009---we established that finding investors for our capital raising activities will not be a problem because the very investors that will purchase our both “equity” and “debt” securities are aware that raising \$500,000,000,000 in capital through loan from Federal Reserve Bank and \$5,000,000,000,000 in capital raised through the Holding Bank from Central Banks around the globe and sending \$25,000,000,000 to SEC for SEC filing fees to register 400,000,000,000 Class A common shares of Toks, Inc. or \$100,000,000,000,000 (\$100 Trillion) in stock will be a walk in the park for such entity to achieve its agenda and goal in regards to capital raising activity. It takes money to implement the business plan of any entity and we are no different in such aspect. Additionally, some of the institutional investors that own shares in most of the publicly traded entities we are on record to acquire will probably participate because these institutional investors are aware of the benefits to reap great investment returns from the sale of both our ‘equity” and “debt” securities. And secondly, the very institutional investors holding some of the publicly traded stocks of publicly traded entities Toks, Inc. is on record to acquire in stock will get the chance to tender those shares for new “currency” as in new stock. Most of these stocks are battered in trading and it will be a relief for shareholders to tender them for new “currency” as in stock.

Part of the Statement of Facts of this motion for intervention is our Web site at [www.tspnotes.com](http://www.tspnotes.com) that validates the vision and agenda of this Company before the scandal of Bernard L. Madoff Investment Securities LLC broke out. This is to show the court and the victims of BLM that this Company wasn’t formed sorely because of

Bernard L. Madoff Investment Securities LLC scandal, the vision of this Company was established long time ago back in 1996 and when registration statements was filed in 2001. What transpired here is the motion for intervention to conduct a buyout to reimburse all clients of Bernard L. Madoff Investment Securities LLC fits perfectly to the struggle of the founder of Toks, Inc. and its wholly-owned subsidiaries to finally get the chance to gain access to some form of capital as in \$1,000,000,000 the trustee found that can be used to start the whole process to bring this great vision that will benefit this generation and generations to come alive in terms of fight against global poverty using capitalism and now to address the current global financial crisis. Below is page by page of the Web site at [www.tspnotes.com](http://www.tspnotes.com) for public review:

**Home:** The Home page is just to show exactly the “vision” of an entrepreneur and the agenda of this great entity.

**Class A Common Shares:** This is page that described the very history of the registration statements and the ugliness of SEC. This page validates that SEC never heard of Mr. Ade O. Ogunjobi before until Mr. Ogunjobi filed registration statements with SEC in 2001 to outline his vision and a business plan for a company called Toks, Inc. Since then SEC has labeled Mr. Ade O. Ogunjobi as a “fraud” just mere filing registration statements. And the “witch-hunt” by SEC against Mr. Ade O. Ogunjobi emerged that validates the very heart of corruption of this agency which is part of the very financial scandals of Bernard L. Madoff, Stanford, Refco, Global Crossing, WorldCom, Dot-Com bust etc. This page is interesting how the very securities laws enacted cannot be twisted by the corrupt SEC staff against an entrepreneur, no matter how hard they (SEC) tried to do so. It’s a classic

example of no one is below the law and no one is above the law.

**TC Company IPO:** This page established the very goal of Fight Against Global Poverty.

Actually, TC Company IPO is all about raising additional capital to cover the expenditures of the closing of the proposed exchange tender offers. As this vision progresses, it dawn on us that the IPO will now become the largest fundraising in the world to give a voice to an average individual around the globe to support fight against global poverty using capitalism, the very system that has made millionaires, billionaires around the globe, now can be used to close the widening gap between the rich and the poor.

**Preview of Stock Issue:** This page is all about how stock will be issued in premium to shareholders of all publicly traded entities in stock. For the record a great deal of the public entities' stocks are battered and really bad, but the agenda is being structured that TC Company common shares that will be priced at \$12 per share will be available to conduct such acquisition which will still make the shareholders to tender their shares for Toks, Inc.'s Class A common shares at 1-For-1 at no cost that can be exchanged for Toks, Inc.'s Class A common shares at no cost in the future.

**Underwriting:** This page re-established that formation of the financial wholly-owned subsidiaries will handle all investment banking and underwriting of all its issues of the Toks, Inc. and its wholly-owned subsidiaries, including the Holding Bank. We need to establish income right away about this financial institution and like the saying charity begins at home, we are not awarding this underwriting contract to any investment bank.

This is the very point that was established earlier that thousands of jobs will be created by mere access to the remaining liquid of BLM, starting with the \$1,000,000,000.

**List of All Entities:** This page outlines what publicly traded entities that will be acquired and how some of them will be renamed to reflect new ownership. Please note now that the current financial crisis has changed some of our strategies, it can be said that over 150 publicly traded entities will be acquired, especially banks. Will elaborate inside the prospectus when Recovery Plan is unveiled to address current global financial crisis. It must be noted that regulators will require some assets of acquired entities to be divested in order to comply with any appearance of anti-trust violations. Toks, Inc. will accommodate such recommendation from regulations—at the same Toks, Inc. will still be the largest publicly traded entity in the world. Some of the entities may be taken off entirely, in other words, they will not be acquired and left alone. This page is just a reflection of part of the whole concept, not necessarily the major agenda. It's dynamic and there will be changes implemented.

**World Largest Bank:** This is the page that outlined the formation of largest financial institution now referred to as “Holding Bank” inside the motion for intervention to deal with global poverty through investments and capitalism. Now, the bank will be tackling the global financial crisis. The irony here is the purpose of the formation of this bank. Nothing more. This information to sell 50% stake to Central Banks around the globe is not inside this page, it's a concept that emerged after the global financial crisis emerged.

**Commercial Paper:** This page is the very agenda to issue commercial paper to finance the registration of the trillions in stock to conduct the proposed exchange tender offers.

But it looks like it might be abandoned due to the agenda to borrow \$500,000,000,000 from Federal Reserve Bank and the prospect to raise \$5,000,000,000,000 (\$5Trillion) through sale of 50% stake of the Holding Bank to Central Banks around the globe. Other issues like sale of CDs, Jumbo CDs will still be entertained.

**Headquarters in New York:** This page is to establish the headquarters of the entities.

**Dividends:** This page outlines the dividends that will be declared on the common shares. This page is very important to the court, clients/investors of Bernard L. Madoff Investment Securities LLC, investors and shareholders of all publicly traded entities that will be required to tender the “battered” stocks/shares for new “currency” as in stock of Toks, Inc.’s Class A common shares.

**Litigation:** Litigation page is literally the background and everything about Toks, Inc. and Mr. Ade O. Ogunjobi regarding a civil action that will be taken against a newspaper; and to address the illusion some people in the legal profession (law firms, attorneys that have access to SEC’s corruption that continues to generate money for them) continue to display about Ade O. Ogunjibobi as “fraud” and we all know who is the real fraud as in SEC and the court doesn’t have to look that far, the largest scandal Ponzi scheme is right in the court all because of SEC’s own “protection” of the “big boys” which a great deal of folks in America and around the globe are now seeing the repercussion of such egregious act that is now crippling the financial system. Trillions of investors’ money have vanished into thin air under the guide of SEC compared to Mr. Ade O. Ogunjobi who never took any money from any investors, let lone defraud the investors or lost any

dime of any investors' money. This civil action against the newspaper is to finally established that Mr. Ade. O. Ogunjobi never engaged in selling unregistered securities or set out to sell unregistered securities. This is all lie SEC engaged in because to stop this, they had to lie. SEC never possessed evidence of sale of unregistered securities. Even the 20 shares registered at \$5,000 per share were never sold to any investors. The founder is in possession of such shares. Oh, SEC was even mad about such tactic that the securities (20 common shares) were never sold. What a contradiction, because SEC wants "blood" and something to get Mr. Ade O. Ogunjobi on. We are not talking about SEC's tactic setting Mr. Ade O. Ogunjobi up (another story entirely). Desperation is the proper word to describe SEC's action

**Addendum To Litigation (Civil Action Against Judge Paul Friedman for Civil Rights Violation of Mr. Ade O. Ogunjobi):** A correspondence dated April 4, 2008 was sent to Judge Paul Friedman's chambers to notify him there would be a civil action against him for civil rights violation of Mr. Ade O. Ogunjobi under the authority of color. Such correspondence also detailed filing complaint with the judicial commission. This civil action against Judge Paul Friedman will also establish that Mr. Ade O. Ogunjobi was actually denied to make a living because Judge Paul Friedman deliberately attached "fraud" to Mr. Ade O. Ogunjobi's name thus making it difficult to reason with any average individual who is not sophisticated enough to see this is al "lies." Mr. Ade O. Ogunjobi has every right to make a living, provide for himself, meet basic needs to live as a 49-year old individual. Mr. Ade O. Ogunjobi is a grown man and Judge Paul Friedman and SEC engaged to literally denied Mr. Ade O. Ogunjobi to make a living just like Mr. Bernard L. Madoff engaged in a massive fraud that has now denied a great deal

of investors their livelihood. This is a transparent motion and everything is divulged because Mr. Ade O. Ogunjobi has nothing to hide. It also validates the very “corrupt” demeanor of SEC and the characterization of the agency as “corrupt.” Judge Friedman engaged in using fabricating elements to issue an injunction. The first one is stating about attorneys representing Mr. Ade O. Ogunjobi must comply to turn over any documents which in this case there was never an attorney representing Mr. Ade O. Ogunjobi and the civil action filed by SEC was answered by Mr. Ade O. Ogunjobi and signed by him, not by an attorney because he lacks money to retain any attorney to defend him from such civil action. Any one reviewing the injunction can draw a conclusion of pattern of fraud where counsels are used to appear legitimate to defraud potential investors. The second fabrication is injunction stating to provide information of all brokerage and banking accounts, after the fact that it was to the court in response to the civil action brought by SEC to establish that there was never any fund or such accounts exist to accommodate such fund. Judge Friedman ignored such information and deliberately set out to establish existence of such accounts with any brokerage firm or bank. This gives the injunction the appearance of pattern most fraudsters use by setting up various accounts to receive funds. The third one is the most egregious lie of all lies when the injunction stated that all ill-gotten money must be disgorged, after the fact that the answers to the civil action stated that there was no such funds--- and the purpose of the prospectus that was prepared is to raise capital to finance the proposed exchange tender offers filed through the Notice with SEC. This goes back to the very heart of SEC trying to protect the “big boys” and one of such entities is the one and only General Motors Corporation which is now at the brink of bankruptcy of its own and prospects of shareholder’s equity being wiped out and

creditors barely getting anything back because GM has some obligation to pay back U.S. government of the very fund it received. So much for protection. These three instances and others that Judge Friedman failed to verify from SEC or DOJ if any funds actually exist; or any investor actually invest money that were used for other purposes; or is there a pattern to this individual in the past defrauding investors. None of those were verified, just mere mean-spirited and racist demeanor of Judge Friedman dominated his thinking. It's obvious that Judge Paul Friedman decided to use our legal system to destroy an individual with no criminal record or any intention to commit fraud. The purpose of the lawsuit against Judge Friedman is to maintain the integrity of our legal system designed to seek justice, not to use to undermine an individual's character, dream or rights. Especially when it's a legitimate transaction. Toks, Inc.'s transaction is a legitimate transaction because it was an idea and dream of an individual that sets out to be an entrepreneur. It's not illegal to dream or have an idea. It's legal in America to dream and have an idea. To SEC, one must be super-rich and we all now know why billions of investors' money disappear with the aid of SEC catering to the "big boys" at the expense of the "little guys" which is now collapsing the economic and capitalism as we see it.

**Addendum To Litigation Page 2 (Civil Action against SEC for Defamation of Character and Civil Rights Violation of Mr. Ade O. Ogunjobi):** Mr. Ade O. Ogunjobi will finally get the chance to seek justice here. Lack of money is preventing Mr. Ade O. Ogunjobi to sue SEC to clear his "good" name he worked so hard to obtain. Our legal system recognizes individual's rights and Mr. Ade O. Ogunjobi must not be treated as below the law. This lawsuit is long overdue and will give all those attorneys

and law firms that continue to use the civil action of SEC filed against Mr. Ade O. Ogunjobi to portray Mr. Ade O. Ogunjobi as “fraud” the opportunity to defend their “mob-boss,” SEC that always allow them access to “corruption” at the expense of retail investors, the very backbone of capitalism. Any entity or individual has every right to defend or support Judge Paul Friedman and SEC’s egregious act and injustice. We must be careful in society and go back to history to use as an example, we all know what happened when people supported Hitler. When you support ugliness, society will pay.

We are now officially on record to sue United States Securities and Exchange Commission and the defendants will be the very SEC staff attorneys that signed on the Civil Action against Mr. Ade O. Ogunjobi and Toks, Inc. Damages will be pursued here. Actually, this lawsuit will date back to the very day the registration statements of Toks, Inc. was filed and SEC went on a “witch-hunt.” A registration statement was filed and SEC called it a “violation” compared to all the registration statements of Dot-Coms SEC declared “effective” and later became worthless stocks in investors’ hands that lead to trillion of equities declared worthless. Talk about double standard. Recently a great deal of corrupt attorneys with ties with SEC that enjoy this corrupt agency continue to exhibit this “illusion” that Mr. Ade O. Ogunjobi is a “fraud” because of SEC Civil Action which is loaded with “lies” mischaracterization and worse of all no one can present one shred of evidence of fraud, victims, criminal indictment, incarceration, etc of Mr. Ade O. Ogunjobi, normally associated with fraud or an individual that committed securities fraud and defrauded investors. Everything will now be open to the public compared to clandestine civil action the judge refused to grant Change of Venue to have a trial. Mr. Ade O. Ogunjobi continues to suffer this great injustice that was orchestrated in the hands

of a racist and bigot judge that was partial and decided to accommodate the “big boys” and aid SEC’s injustice against Mr. Ade O. Ogunjobi. The late Dr. Martin Luther King stated it well when he said ‘Injustice anywhere is a threat to justice everywhere’ and justice must be served here. Mr. Ade O. Ogunjobi has been looking to a day where he will get that chance to seek justice on behalf of the Company, Toks, Inc.; shareholders and Mr. Ade O. Ogunjobi himself. Why should Mr. Ade O. Ogunjobi continue to be treated as if he must admit to something he never engaged in this case committing securities fraud or selling unregistered securities which is a total lie because a law was applied to establish a 9-month promissory note and SEC says it doesn’t apply (another double standard). SEC even went further to accuse us of acting as a broker, which is another lie because there was never evidence we acted like a broker or brokerage firm. Such evidence normally are telephone conversation where one is acting like a broker and providing false documentation as a broker to a potential investor. Or boiler room scenario where bunch of folks are making cold calls to investors. Entities under securities laws are allowed to sell their own securities or raise capital on their own without even using a broker or investment bank. Again, the double standard. All this will be addressed in the civil action against SEC. This is like a forced confession. People that admit to wrong doing or confess to it are people with evidence of wrong doing. There’s no way we in society must force someone to admit to something he never engaged in (is like forced confession of an innocent person under pressure) or acted upon. Looking forward to this day in court for exoneration. It’s a blessing in disguise that this motion is now being filed to seek justice for victims of Madoff thus allowing Mr. Ade O. Ogunjobi to seek his own justice against SEC and Judge Paul Friedman. No doubt a great deal of attorneys enjoy

investors being defrauded because all they will seek is their fees to file class action suits on situations where no money can be recovered at all---as long as the legal fee is paid and victims barely gets anything. This fight is about Mr. Ade O. Ogunjobi's right to make a living and clear his own name for good. The economy is bad and this is sort of 21<sup>st</sup> century version of Great Depression, but no condition is permanent. Economy will rebound and people will start getting employed again, except for Mr. Ade O. Ogunjobi who SEC and a crooked judge attached "fraud" to his name like a scarlet letter. Case in point is when Mr. Ade O. Ogunjobi applied for passport with the hope of traveling to seek capital and the State Department employees interviewed Mr. Ade O. Ogunjobi with two agenda: i) Establish the SEC action that Mr. Ade O. Ogunjobi is a fraud which they brought up which again Mr. Ade O. Ogunjobi quickly repudiated; and ii) Tried to establish that Mr. Ade O. Ogunjobi was not who he claimed he was through numerous questions. Honestly, SEC is desperate because SEC tried this tactic during the administrative hearing when the allegation came about that Mr. Ade O. Ogunjobi was not who he claimed he was. The purpose of this is because it will remain in SEC record that registration statements, 425 Notices were filed. The interesting aspect is on one hand SEC is calling Mr. Ade O. Ogunjobi a "fraud," as in impersonator, like I wasn't who I claimed to be and on the other hand SEC is accusing Mr. Ade O. Ogunjobi of committing fraud. Desperate people commit desperate acts. For the record, complaint was filed with HPD and FBI regarding this due to State Department employees breaking into Mr. Ade O. Ogunjobi's automobile. SEC will never give up until it sees that Mr. Ade O. Ogunjobi is completely destroyed. An individual with no criminal background or record.

**Recruitment:** This page will support this Motion For Intervention that jobs will be created overnight, especially this financial crisis that have cost millions of jobs. As soon as the motion is granted, \$1,000,000,000 wil be enough to recruit employees and professionals.

**Slogan, Loaf & Fish:** This page is all about metaphor of this transaction. The founder is very philosophical.

**Letter To SEC:** This page is trying to remind SEC and those that normally exhibit illusions that Ade O. Ogunjobi is a “fraud” that no matter how they spin this, the truth will survive. The letter is actually a challenge to SEC that come after me again, this time I am ready all the way to Supreme Court. It’s a whole new meaning to “read between the lines.”

**Official Network: ABC:** This page is agenda to use ABC Network to focus on fight against global poverty and the progress we are making addressing this issue. Now, recovery plan to address global financial crisis will be included. A single award show wil be produced to honor men and women in our society that are making a difference to end poverty and improve lives. Be from a judge from the bench or just an average individual. The name of the award, cash prize will be determined in the future.

**Franchise & Magazine:** This page was never exposed the idea and such idea may be implemented or not. Actually, the concept is dead in the water.

**Rescue Funds:** This page is just to establish that this “platform” as in Toks, Inc.’s transaction will play significant role. But, the founder had no clue back then, just that

such idea will come into his head down the line, now, today, the idea is enormous. The idea is well an alive---an understatement. Great and good intentions will always find their way to become alive. This is a classic example of such noble attitude. No clue back then, but the founder has in the back of his mind that the idea will emerge and now this motion is being filed, the idea actually emerged.

**Microsoft/Yahoo Deal:** This page shows the continue struggle of Ade O. Ogunjobi trying to raise at least \$100,000,000 to cover the expenditures to conduct the commercial paper. Now that this motion to intervene will allow access to almost \$1,000,000,000 or more, sky is the limit. It validates the tenacity of an entrepreneur refusing to give up and hoping for opportunity to emerge and viola, Bernard Madoff scandal. No one wants investors to be defrauded, especially an entrepreneur, because entrepreneurs enjoy maximizing investors' investment. But fraud will always play a role in our society and when the occasion arises to compensate the victims in full like in this case this motion for intervention is addressing to compensate all victims of the Ponzi scheme of Bernard L. Madoff Investment Securities LLC, the court and the public must encourage such concepts and embrace it as well. Justice will be served when such concepts are embraced. Society allows innovations to solve problems.

**Exodus Fund:** This page establish the founder's spiritual being that has influenced him throughout his ordeal of this enormous transaction regarding his aspiration and sensitivity towards the poor and disadvantaged. Reviewing this page sums it all up for the very purpose of life why we are here.

## ARGUMENT

### I. APPLICANTS ENTITLED TO INTERVENE AS A MATTER OF RIGHT

Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries are entitled to intervene as Intervenor in the current phase of this litigation as a matter of right.

Fed. R. Civ P. 24 (a) provides:

upon timely manner application anyone should be permitted to intervene in action. . . when the applicant claims an interest relating to the property or transaction which the subject of he action and the applicant is so situated that the disposition of the action may as a particular matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

In the Ninth Circuit, intervention "is construed broadly in favor of applicants." *Idaho Farm Bureau Fed'n v. Babbitt*, 58 F. 3d 1392, 1397 (9th Cir. 1995). Accordingly, the Ninth Circuit has established a four-part test to determine the applicability of Rule 24(a) as follows: timeliness, an interest relating to the subject of the action, practical impairment of the party's ability to protect that interest, and inadequate representation by the parties to the action. The rule is construed broadly in favor of applicants for intervention." *Greene v. United States*, 996 Fold 973,976 ( 9th Cir. 1993) (citing *United States v. Oregon*, 913 F.2d 576,587 (9th Cir. 1990) cert. denied, 501 U.S. 1250 (1991)). Practical considerations guide courts in applying this test. "[I]f any applicant would be substantially affected in a practical sense by the determination made in an action, [the applicant] should, as general rule, be entitled to intervene." Fed. R. Civ. P. 24(a)(2),

Advisory Committee Note. Applicant, Toks Inc. and its wholly-owned subsidiaries satisfy each of the intervention requirements under Rule 24(a).

**A. Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries as Intervenor to file Motion for Intervention is Timely.**

The intervention is timely. Courts examine three factors to determine the timeliness of a motion to intervene. (1) the stage of proceedings at which an applicant seeks to intervene; (2) the prejudice of the existing parties if intervention is allowed; and (3) the reasons for length of the delay. *County of Orange v. Air of California*, 799 F. 2d 535,537 (9th Cir. 1986), cert. denied, *City of Irvine v. County of Orange*, 480 U.S. 946 (1987).

(1) The stage which applicant seeking to intervene as Intervenor in the bankruptcy/ civil matter, adversary proceeding 08-01789-(BRL), SIPC Liquidation *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities, LLC*, remains an "open" case where all clients of Bernard L. Madoff Investment Securities, LLC are required to submit claim by July 2009, the date set up as deadline. Due to this deadline in July and Motion For Intervention filed in April, 2009---the timely manner is observed. At this stage, there will be no disruption whatsoever. The proceeding just passed its infancy and it's not in full blown where all assets are already liquidated and distributed accordingly. Even if some assets are already liquidated, the cash is still there undistributed. Our main issue is not the assets being liquidated or not—except for the remaining liquids assets that will take us to another level to gain access to capital markets. Our timely is perfect for the stage of this proceeding.

(2) The prejudice of existing parties if intervention by Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries to become Intervenor is will not impact what

Toks, Inc. is bringing to the table for clients of Bernard L. Madoff Investment Securities, LLC---which full reimbursement of all investment lost will result issue of almost 400,000,000 common shares or \$100,000,000,000 in stock/cash program available for distribution to clients of Bernard L. Madoff Investment Securities LLC. The intervention will actually bring one-stop resolution to the whole adversary proceedings due to pending transaction(s) of Toks, Inc.'s \$100,000,000,000,000 global all stock tax free proposed exchange tender offers and its wholly-owned subsidiaries regarding TC Company "Global IPO" and formation of the largest bank ("Holding Bank") in the world to fight global poverty and unveiling of recovery plan to current global financial crisis. The interest of the applicant (and clients Bernard L. Madoff Investment Securities, LLC) is not greatly protected by existing parties because i) only the attorneys on record and the trustee are raking all the money and benefits while the very "victims" are still hoping and waiting for any form of miracle; ii) none of the Bernard L. Madoff Investment Securities, LLC's parties possess the "vision" and "gift" of Mr. Ade O. Ogunjobi, an extra-ordinary entrepreneur and the "platform" and "tool" of a pending transaction(s) like Toks, Inc. and its wholly-owned subsidiaries to conduct the largest acquisition in history of mankind, largest global IPO to give a voice to an average individual around the globe to support fight against global poverty and now recovery plan to current global financial crisis, formation of the largest bank ("Holding Bank") in the world to take over the role most governments are playing now as "middle-man" between financial institutions and capital markets (investors). AMERICA cannot afford to NATIONALIZE its banking industry.

In this situation, to intervene will result in no "adverse" impact to the court, clients of Bernard L. Madoff Investment Securities, LLC, counsels on record representing

clients ("victims") and the defendant himself as in Bernard L. Madoff. The defendant already exercised a noble cause to take responsibilities by entering a "guilty" plea and awaiting sentencing. This eliminates any buyout of Bernard L. Madoff Investment Securities through the motion for intervention might prejudice the founder/owner, Bernard L. Madoff to a fair trial in both criminal and civil matters.

**B. Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries as Intervenor Have an Interest in the Subject of this Action**

Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries have a substantial interest relating to subject matter of the bankruptcy and adversary proceeding. Rule 24(a)'s "interest test" is not a rigid standard. Rather, it's "practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process." *County of Fresno v. Andrews*, 662 F. 2d 436,438 (9th Cir. 1980). "No specific legal or equitable need to be established; rather, a proposed Intervenor need only to show a "protectable interest of sufficient magnitude to warrant inclusion in the action." *Greene*, 996 F. 2d at 976; *Smith v. Pangilinan*, 1320, 1324 (9th Cir. 1981).

The record in this case conclusively establishes the enormous "positive" impact of all transaction(s) of Toks, Inc. and its wholly-owned subsidiaries of and property interest in purchase of all assets of Bernard L. Madoff Investment Securities, LLC and offer to pay \$75,000,000,000 in stock/cash program to all clients of Bernard L. Madoff Investment Securities, LLC.

The Ninth Circuit has repeatedly concluded that intervention be construed broadly in favor of applicants to allow for the just resolutions and expeditious of contested issues. In Bernard L. Madoff Investment Securities, LLC'S adversary proceedings to liquidate

all assets for distribution, it's an understatement to say there are no contested issues due to one word "money" the "star" of the whole Madoff's fiasco. Toks, Inc.'s interest to maximize Bernard L. Management Investment Securities, LLC's investors ("victims") through this motion for intervention to conduct buyout and reimburse the "victims," and finally be in the position to negotiate settlements in all civil matters, respectively is no less important or concrete than that of plaintiffs. Toks, Inc. and its wholly-owned subsidiaries have a substantial interest in the subject matter of this action and, therefore, intervention is proper.

**C. Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries as Intervenor and its Interest May be Impaired.**

Absent intervention, the rights and interest of applicant may be impaired. Rule 24(a) requires an applicant for intervention as a matter right be "so situated that the disposition of the action may as practical matter impair or impede the applicant's ability to protect that interest. "Rule 24 refers to impairment 'as a practical matter.' Thus, the court is not limited to consequences of a strictly legal nature." *Forest Conservation Council v. United States Forest Serv.*, 66 F. 3d 1489, 1498 (9th Cir. 1995). As with other prongs of the intervention test, the Ninth Circuit has interpreted this test liberally in favor of intervention. *Sagebrush Rebellion, Inc. v. Watt*, 713 F. 2d 525,527-28 (9th Cir. 1983). If Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries are not granted in time to conduct this buyout of Bernard L. Madoff Investment Securities, LLC "effective immediately" and a court order in place to mandate access to the almost \$1,000,000,000 in cash to start the process that will create thousands of jobs overnight with the help of professionals as in corporate and securities attorneys, accountants, consultants, executive

recruiting firms to recruit management and middle managers, preparing to form the largest bank (“Holding Bank”) in the world to fight global poverty and address current global financial crisis, not just clients of Bernard L..Madoff Investment Securities, LLC will be defrauded all over again, but AMERICA and the whole WORLD will lose big on the most celebrated and ambitious recovery plan ready to be unveiled to address the current global financial crisis. The credibility of this country, America is in danger due to a great deal of investors around the globe losing money not just in Bernard L. Madoff Investment Securities, LLC, but others, too. At this current stage, the “big boys” are still getting the protection which is even worse. This is not the time for that. GREAT DEPRESSION is here in a 21<sup>st</sup> Century version. The biggest misconception about Great Depression is people think things will get better without a great recovery plan. Toks, Inc. and its wholly-owned subsidiaries will not suffer a setback, but the timely manner to implement all ideas will be gravely impacted for the worse. This intervention is more than just paying \$75,000,000,000 in stock/cash program to all clients of Bernard L. Madoff Investment Securities LLC, but overall impact in United States and around the globe. Denying this motion is the last thing we want. It won’t do anyone any good, period. Without this intervention, such interest may be impaired.

The significant impacts to Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries’ interests, coupled with Bernard L. Madoff Investment Securities, LLC’s investors’ interests, fight against global poverty, the enormous “effective immediately” role of the “Holding Bank” to borrow \$500,000,000,000 from Federal Reserve Bank and the aggressive \$5,000,000,000,000 in capital raising from Central Banks around the globe to start tackling the global financial crisis and unveiling recovery plan to address the current global financial crisis meet the requirement potential practical impairment of

Toks, Inc and its wholly-owned subsidiaries' interest for intervention as of right.

Southwest Ctr for Biological Diversity v. Burgh, 268 F. 3d 810, 824 (9th Cir. 2001)

(quotation omitted) ("Resolution of this case to conduct a buyout of Bernard L. Madoff Investment Securities LLC for \$75,000,000,000 in stock/cash program that will transfer the current liquid assets of almost \$1,000,000,000 to start the process to conduct the filing of necessary documents to form the Holding Bank that will lead to the first capital raising through a loan of \$500,000,000 from Federal Reserve Bank, followed by \$5,000,000,000,000 (\$5 Trillion) in capital raising from Central Banks around the globe that will be enough capital to finance all transaction(s) of Toks, Inc. and its wholly-owned subsidiaries valued over \$300,000,000,000,000 all stock tax free around the globe.

Intervenor as the "21<sup>st</sup> century visionary" will decidedly affect applicants to Applicants' legally protected interested and their sufficient doubt about the adequacy of representation to warrant intervention").

**D Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries as Intervenor and its Interests Are Not Adequately Represented.**

Finally, the significant interests of Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries are not adequately represented by existing parties in this case. *See, e.g., Sagebrush Rebellion*, 713 F. 2d at 527. Inadequate representation is demonstrated if the applicant shows that others' representation of their interest "may be inadequate. *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n. 10 (1972). "The burden of making this showing should be treated as minimal.

Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries' interests as in "Business Plan," "Capital Raising Activities," Recovery Plan To Address Global

Financial Crisis," and finally, "Fight Against Global Poverty" and other issues that will be outlined inside the prospectus that will be drafted and used to file registration statements with SEC in terms of closing of all transaction(s) of Toks, Inc. and its wholly-owned subsidiaries' are not being represented by other parties to the bankruptcy/civil and adversary proceedings, respectively.

Moreover, the interests of Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries cannot be adequately represented by their participation in an amicus capacity rather than as a party. There are obvious distinction between parties and amici, which made the participation of Toks Inc. and its wholly-owned subsidiaries as amici in this case of little assistance to protect the applicants' interests. *See, e.g., Oregon*, at 745 F. 2d at 553.

If granted intervention, Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries will be able to ensure participation in discussion with all parties in Bernard L. Madoff Investment Securities, LLC'S bankruptcy/civil matter and adversary proceeding case. Such discussion will cover signing of all necessary documents in the buyout of Bernard L. Madoff Investment Securities, LLC with iron clad commitment to pay \$75,000,000,000 in stock/cash program or more depending on the payment and issue proceedings; obtaining all information as in contact numbers and addresses of all clients of Bernard L. Madoff Investment Securities, LLC for future distribution of 400,000,000 common shares or \$100,000,000,000 in stock/cash program that will be set aside during and after completion of Toks, Inc.'s 400,000,000,000 Class A common shares or \$100,000,000,000 in stock registration with SEC that will represent compensation of Bernard L. Madoff Investment Securities LLC'S investors ("victims"); setting up offices

in New York and around the globe; recruitment of thousands of employees in United States and around the globe; drafting correspondences for Central Banks around the globe to conduct sale of 50% stake of the largest bank ("Holding Bank") in the world; conducting notification to all different agencies around globe to discuss preview of "recovery plan" to address current global financial crisis and fight against global poverty; conducting hearings with different government bodies starting with U.S. Congress and Senate, United Nations, European Union etc; hiring professionals as in corporate and securities attorneys to start drafting all necessary documents; conducting conference calls with institutional investors about the transaction, its "vision," and overall potential positive impact of Toks, Inc. and its wholly-owned subsidiaries' transaction(s) in United States and around the globe that will calm the markets in U.S. and around the globe.

As a party to the action, Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries will be able to invoke the district court's jurisdiction to secure adherence to the orders of the court. An amicus curiae cannot provide such oversight over the decisions that are being made.

Based on the foregoing, Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries have more than satisfied the elements of intervention as of right and the court should grant the intervention based on this additional information as our ambitious and enormous Business Plan and opportunity to establish to the whole world that this generation that's now witnessing another GREAT DEPRESSION in disguise will finally be introduced to a "tool" to set up that will be passed on to the next generations to come in centuries after centuries. This intervention goes beyond paying \$75,000,000,000 in stock/cash program to clients of Bernard L. Madoff Investment Securities, LLC, that's the easiest part, the enormous positive impact of this intervention will be discussed

centuries to come as the “motion that changed the world.” In order not to burden the court with the preview of the registration statements/prospectus, what is outlined below is just what this intervention is all about:

**Capital Markets/Investors:**

It's an understatement that we will gain enormous access to capital markets that will be favorable to us. The key to this motion is gaining access to capital markets and the investors that are amenable to us are the very investors that own shares in most major corporations around the globe we are buying. Most of these publicly traded entities' stocks are battered and have dropped in value due to the current global financial crisis. For investors that own shares to be aware that we are buying the very publicly traded entities stocks have dropped in value, such investors will be amenable to participate any in issues we undertake be it “equity” or “debt” to raise capital in the capital markets. Commercial Paper, Offshore Islamic Bond, Jumbo CDs, CDs, IPO, Bonds.

**Assets of Largest Bank (“Holding Bank”) in the World**

Aurelia Stephen Banc Corp will be the name of the largest bank (“Holding Bank”) in the world. It's currently considered wholly-owned subsidiary which 40% stake of the bank will be owned by shareholders of Toks, Inc.; 50% stake of the bank will be owned by Central Banks around the globe; and 10% stake will be owned by Aurelia Stephen Trust, the trust set up for the poor around the globe to fight global poverty. Toks, Inc, agenda is to spin the bank off after closing of the largest all stock tax free proposed exchange tender offers that will be valued \$50,000,000,000,000 (\$50 Trillion) in stock or more depending how it turns out.. Toks, Inc. will grant \$25,000,000,000,000 (\$25 Trillion) in stock to Aurelia Stephen Banc Corp as part of the assets the holding bank will own. This will make the Holding Bank, the largest bank in the world with the largest

assets in the world overnight. Since shareholders of Toks, Inc. will own 40% stake in the Holding Bank, granting \$25,000,000,000,000 in stock to the Holding Bank will be appropriate to start building its assets.

**Jobs Creation:**

Thousands of jobs will be created as we go along. Employees will be hired to take calls from all operations required to be communicated and clients of Bernard L. Madoff Investment Securities LLC and working along with the trustee and their people. Brokers, investment bankers, bankers will be hired to handle our future issues in both equity and debt instruments of our financial entity. Employees in technology will be hired to oversee our communications through our newly created Web site(s), etc

**Professionals:**

Corporate and securities attorneys will start work “effective immediately” to implement the registration statements for proposed exchange tender offers, formation of all wholly-owned subsidiaries. Accountants to start going through books.

**Spokespersons:**

These spokespersons will cover United States and around the globe due to this a global transaction where different languages will be accommodated recruiting people that speak such languages to assist in communication to spread the word..

**General Motors Corporation**

The acquisition of General Motors Corporation by Toks, Inc. in stock will save America from one of the most unpleasant bankruptcy in the world. Because General

Motors Corporation cannot be acquired or merged with any other entity due to its heavy debts and poor products that are not selling. Toks, Inc. is the only entity with a better agenda to acquire GM thus saving this company from bankruptcy which is not what America wants. It's critical and very significant that General Motors Corporation is sold and shareholders are allowed to maximize their investments. This acquisition will give General Motors to have access to capital as a wholly-owned subsidiaries of the largest publicly traded entities in the world and ability to shed products that are not selling.

### **AIG**

Toks, Inc. is on record since day one to buy AIG way before the fiasco about AIG. To spare American people this horror of seeing their money to keep this company afloat, we will acquire AIG and U.S. taxpayers will be rewarded in a creative way by returning all money provided to AIG. Will elaborate in the prospectus in the future.

### **Hearings:**

Hearings will start with U.S. Congress, Senate to other government bodies around the globe to discuss the preview of our Recovery Plan to address global financial crisis. Some of the discussions are:

- New legislation to deal with mortgage securities, bylaws that can be incorporated into legislative policies regarding financial crisis; M&A rules and regulations to be adopted between financial institutions; limit on banks purchasing banks
- Discussing role of United States Securities and Exchange Commission (the "Commission") aka SEC to be shifted back to "serve the public" as opposed to "power monger" mentality that is now part of the many reasons for the collapse of the financial system and the glut of fraudsters emerging.

- Discussion to create wealth in our society because without wealth creation, society will suffer and go back to “communism” and “socialism” which such systems never worked when adopted. It will be elaborated that wealthy people spend their money and share such wealth. It’s human nature because no one can take it with him or her.
- Fight Against Global Poverty will be aggressively discussed in details that our total disrespect for the poor around the globe where an average individual has no access to clean running water or simple decent place to sleep or food to eat will be observed and solutions will be discussed and implemented.
- The formation of the largest bank (“Holding Bank”) in the world will be just one “tool” to create projects that will create jobs for the poor around the globe—one great vision is launching the largest agricultural farm that will create millions of jobs and alleviate potential of food shortages. This “idea” is so huge, it will take years to complete, but such project when completed will benefit generations to come century after century.
- Formation of the largest trust in the world that will command \$255,000,000,000,000 (\$225 Trillion) in assets overnight through billions of stocks set aside for this trust. This trust alone will engage in enormous philanthropies around the globe providing assistance in housing, education, jobs training, small business loans. Small venture capital—exclusively for the poor and working with governments around the globe. This is the bank owned by the world. It remain private to work along with the trust. There’s no plan to take this bank public. It will never happen. This concept is not designed for EXIT plan.

Revenues generated will be distributed to the stakeholders as in 40% owned by shareholders of Toks, Inc.; 50% owned by Central Banks that made contribution when \$5 trillion was raised and finally, 10% owned by the trust created for the poor.

- Discussing certain model to use the largest bank to be the new bank to take over the government's role as a "middle-man" between capital markets (investors) and financial institutions.
- Innovation to conduct extensive acquisitions of financial institutions with options to restructure such financial institutions and ability to issue stocks to employees laid off to give such employees to exhibit their entrepreneurial skills—this will only be encouraged for those that have such talents. Those that lack such talents will still receive stocks, regardless when their companies are acquired. This is part of wealth creations.
- Discussion to support United Nations through the enormous donation United Nations will receive. The purpose of this donation will be elaborated in terms during conflicts and non-conflicts issue as in wars, atrocities, diseases, natural disaster tied to nature as in earthquakes, tornadoes, etc.

## **II. ADE O. OGUNJOBI, TOKS, INC. AND WHOLLY-OWNED SUBSIDIARIES SATISFY THE STANDARDS FOR PERMISSIVE INTERVENTION**

Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries meet all the requirements for intervention as of right under Fed. R. Civ. P. 24 (a). However, should the Court deny the application for intervention as of right, Toks, Inc. and its wholly-owned subsidiaries should be granted permissive intervention under Fed. R. Civ. 24(b).

Permissive intervention is proper when "an applicant's claim or defense and the main action have a question of law or fact in common." Fed. R. Civ. P. 24(b).

Here Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries' defenses are both factually and legally related to the main action in this phase-buyout to pay \$75,000,000,000 in stock/cash program to clients of Bernard L. Madoff Investment Securities LLC such shares will carry dividends payment (see "Dividends" title page posted on the Web site at [www.tsnotes.com](http://www.tsnotes.com) for public review) declaration to shareholders. Moreover, Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries' intervention are timely in this stage of the proceedings, and will not prejudice any of the existing parties or unnecessarily delay the conclusion or outcome of this matter. Rather, Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries "will significantly contribute to the just and equitable adjudication of the legal questions presented" in this phase, all of which are maximizing investment of all clients of Bernard L. Madoff Investment Securities LLC and other issues relevant to the shareholders, investors and the public and around the globe regarding the financial crisis as a whole and investment resource questions of first impression for the Court. *Spangler v. Pasadena City Board of Education*, 552 F. 2d 1326, 1329 (9th Cir. 1977).

Permissive intervention is a question committed to the sound discretion of the Court. *Donnelly v. Glickman*, 159 F. 3d 405,409 (9th Cir. 1998). Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries have displayed to the Court they possess the best investment transaction(s) investors will relish in United States and around the globe; and the clients of Bernard L. Madoff Investment Securities LLC will embrace in the face recouping all \$65,000,000,000,000 we all thought can never be reimbursed fully. The

Court's discretion should be exercised to permit intervention by Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries in this latest phase of the litigation, bankruptcy/civil mater and adversary proceeding to liquidate all assets of Bernard L. Madoff Investment Securities, LLC.

### CONCLUSION

For the foregoing reasons, and in light of the gravity of the issues at stake, Ade O. Ogunjobi, Toks, Inc. and its wholly-owned subsidiaries respectfully request that the Court grant their motion to intervene as of right or, in the alternative, for permissive intervention.

DATED this 22nd day of April, 2009

Respectfully Submitted,



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Ade O. Ogunjobi, Founder and Toks, Inc.  
& Wholly-owned subsidiaries